

Notice of Allowability

Application No.

09/939,514

Examiner

Rebecca L. Anderson

Applicant(s)

SESSLER ET AL.

Art Unit

1626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to The amendment and declaration filed 4 August 2005.
2. ☒ The allowed claim(s) is/are 1, 2, 4, 9-11 and 49, now renumbered as claims 1-7.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 101705.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

Claims 1, 2, 4, 9-11 and 49 are currently pending in the instant application, are allowable over the prior art of record and have been renumbered as claims 1-7.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Sandra M. Katz on 14 October 2005.

The application has been amended as follows:

1. Amend claim 1 by deleting the term "having" from the second line of the claim and inserting in its place --consisting of--.
2. Cancel claim 3.
3. Amend claim 4 by deleting the term "having" from the second line of the claim and inserting in its place --consisting of--.

Response to Amendment

The Declaration of Jonathan L. Sessler under 37 CFR 1.132 filed 4 August 2005 is sufficient to overcome the 35 USC 102(a) rejection of claims 2, 4, 9, 11 and 49 based upon Sessler et al. (C100 on IDS); is sufficient to overcome the 35 USC 102(a) rejection of claims 2, 4 and 49 based upon Anzenbacher et al.; and is sufficient to overcome the 35 USC 102(f) rejection of claims 1-4, 9-11 and 49. Furthermore, the cancellation of

claim 3 has overcome the objection of claim 3. Applicants' amendment to claim 49 has overcome the objection of claim 49. Applicants' amendment to claims 1 and 4 to delete the phrase which contains the term "comprising" has overcome the 35 USC 112 2nd paragraph rejection of claims 1-4 and 9-11. The amendment of claim 49 to delete the variable R and insert in its place a fluorine, has overcome the 35 USC 112 2nd paragraph rejection of claim 49.

Reasons for Allowance

The following is an examiner's statement of reasons for allowance. This invention relates to halogenated calix[n]pyrrole macrocycle compounds of the structure I. The novel and nonobvious aspect of this invention involves the halogenated calix[n]pyrrole macrocycle compound of the structure I. The closest prior art of record, Sessler et al. (C100) and Anzenbacher et al. (C89) have been overcome by the Declaration of Jonathan L. Sessler under 37 CFR 1.132 filed 4 August 2005. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Rebecca L. Anderson whose telephone number is (571) 272-0696. Mrs. Anderson can normally be reached Monday through Friday 5:30AM to 2:00PM.

Art Unit: 1626

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Mr. Joseph K. McKane, can be reached at (571) 272-0699.

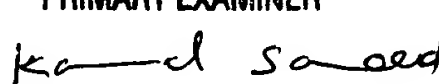
The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Rebecca Anderson
Patent Examiner
Art Unit 1626, Group 1620
Technology Center 1600
10/17/05

KAMAL A. SAEED, PH.D.
PRIMARY EXAMINER



for

Joseph K. McKane
Supervisory Patent Examiner
Art Unit 1626, Group 1620
Technology Center 1600